

**M/s Everest Power Pvt. Ltd. & Others Versus The
HPPTCL & Another.**

Petition No. 100 of 2024

17.12.2024

Present: Sh. Rajneesh Maniktala, Ld. Senior Advocate duly assisted by Sh. Vipul Sharda and Ms. Alchi Thapliyal, Advocates for the Petitioner.

Sh. Vikas Chauhan, Ld. Counsel for the Respondent No. 1 alongwith Sh. Manoj Kumar, GM (C&D).

Sh. Shanti Swaroop, Ld. Legal Consultant for the Respondent No. 2.

DAILY ORDER

Rejoinder has come on record. During course of the arguments, it was gathered that the Respondent No.2 i.e. DoE has filed a short reply without giving any details in respect of design flood of dam, flood recorded at the time of incident, spillway capacity of the dam, maximum recorded flood in the stream, detailed operation of the gates at the time of incident, early warning system and its status at the time of incident, sediments and boulders load in the river at the time of flood, height of sediments and boulders at the face of gates of the dam, hoisting capacity of gates, whether sediment load was considered on the gate while designing hoisting arrangement of the gate etc. The details are necessary for adjudicating the issue in the matter. In the circumstances, the Respondent No.2 i.e. DoE is directed to file a comprehensive affidavit in the matter indicating the following details alongwith documents:-

1. Design Flood of dam and its return period.
2. Magnitude of flood recorded at the time of incident.
3. Status of the early warning system, whether installed upstream of dam. If yes, whether was the same functional at the time of incident?

4. Lead time for operation of gates from the site of early warning system.
5. Status of the spillway gates of dam at the time of incident with hoisting capacity of the gates.
6. Status of sediment and boulder deposition at the face of gates.
7. Status of Insurance of the project. Whether insurance covers the generation loss?
8. Spillway capacity of the dam.
9. Whether spillway had been augmented or is being augmented.
10. Reservoir level before the incidents.
11. Capacity of the reservoir.

The affidavit be filed within four weeks with a advance copy to the petitioner and other Respondents.

The Petitioner is also accorded liberty to place on record all such details which the petitioner consider necessary for establishing the force measure event.

List the matter on 01.03.2025 at 11.00 AM.

-sd-
(Shashi Kant Joshi)
Member

-sd-
(Yashwant Singh Chogal)
Member (Law)

-sd-
(Devendra Kumar Sharma)
Chairman